

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

IN RE: WC 4TH AND COLORADO, LP,¹ DEBTOR.	§ § § § § § §	CHAPTER 11 CASE NO. 20-10881-TMD
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**COLORADO THIRD STREET, LLC’S OBJECTION TO DEBTOR’S
EMERGENCY MOTION FOR ORDER MODIFYING THE DESIGNATION
OF PRODUCED DOCUMENTS AND TO
COMPEL LENDER TO DISCLOSE IDENTITY AND AFFILIATIONS**

Colorado Third Street, LLC (“Lender”), as lender to the above-captioned debtor (the “Debtor”) files this *Response to Debtor’s Emergency Motion for Order Modifying the Designation of Produced Documents and to Compel Lender to Disclose Identity and Affiliations* [Dkt. 76] (the “Motion”) and *Debtor’s Motion for Expedited Hearing* on the Motion [Dkt. 77], as follows:

1. Lender respectfully requests the opportunity to respond to Debtor’s Motion within 7 days. This is not an emergency issue, it does not relate to the upcoming 341 examination of the Debtor, and given the sensitive subject matter at the center of Debtor’s request coupled with new daily revelations concerning Debtor’s control person’s conduct in this and other cases, Lender requests the opportunity to fully brief and be heard on this issue. There is simply no need for an expedited hearing under the circumstances and Debtor has failed to identify any legitimate need for an expedited hearing. Lender respectfully requests 7 days so that it can fully respond and be heard on this issue.

¹ The Debtor in this chapter 11 case, along with its last four digits of its federal tax identification number is: WC 4th and Colorado, LP (1759).

2. Briefly, however, Lender has complied with the Court's order; it has produced the documents sufficient to show the identity of its members, managers, beneficial owners, and more. Lender designated 19 pages—of the 2801 pages of documents produced—as Attorneys' Eyes Only under the Confidentiality and Protective Order entered by the Court. The Court clearly contemplated that certain of Lender's documents could be marked Attorneys' Eyes Only when it expressly excluded Sheena Paul as an AEO person from its form Protective Order. Dkt. 60 at ¶2(a)(ii). In any event, there is a valid basis for Lender's designation, which Debtor is prepared to fully explain if given more time to do so.

3. Lender has disclosed its ownership information to Debtor's counsel. But, as Lender has feared for months, according to recent press reports, Debtor seeks access to Lender's ownership information only for improper purposes. Recent press articles accuse Mr. Paul of improperly influencing government investigations against his adversaries. Ex. A. And, a newspaper article published just today, accuses Mr. Paul of influencing governmental action to help him *in this very case* (while it was pending in state court). Ex. B. Exemplary media articles concerning these and other developments can be found at Exhibits A–E.

4. Lender has already provided its identity information to Debtor's counsel. Given this sensitive issue, the fact that there is no emergency, and in light of the evidence that already exists of how Debtor intends to use this information, Lender respectfully requests 7 days to fully brief and be heard on this issue.

5. Lender hereby reserves the right to further object to the substance of Debtor's motion in supplemental briefing.

CONCLUSION

WHEREFORE, Lender respectfully requests that the Court allow Lender the opportunity to fully brief and be heard on this issue by providing Lender seven days within which to respond to Debtor's Motion. Lender further requests all further relief as the Court deems just and proper.

Respectfully submitted,

BRACEWELL LLP

By: /s/ Christopher L. Dodson

Jason G. Cohen
Texas Bar No. 24050435
Jason.Cohen@bracewell.com
William A. (Trey) Wood III
Texas Bar No. 21916050
Trey.Wood@bracewell.com
Christopher L. Dodson
Texas Bar No. 24050519
Chris.Dodson@bracewell.com
711 Louisiana, Suite 2300
Houston, Texas 77002
Telephone: (713) 223-2300
Facsimile: (713) 221-1212

Counsel for Colorado Third Street, LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served (i) electronically on the parties registered to receive notice through the court's ECF noticing system on October 8, 2020; and (ii) via electronic mail where available, otherwise by regular U.S. mail, postage prepaid, on the parties listed on the attached Master Service List on October 8, 2020.

/s/ Christopher L. Dodson

Christopher L. Dodson

MASTER SERVICE LIST**In re: WC 4th and Colorado, LP**

DEBTOR	
WC 4th and Colorado, LP 814 Lavaca St. Austin, TX 78701	
DEBTOR'S PROFESSIONALS	
Fishman Jackson Ronquillo PLLC Mark H. Ralston 13155 Noel Road Suite 700 Dallas, TX 75240	Brian Elliott 814 Lavaca Street Austin, TX 78701
UNITED STATES TRUSTEE	
Office of the United States Trustee 903 San Jacinto Blvd., Suite 230 Austin, TX 78701	
GOVERNMENTAL ENTITIES	
Internal Revenue Service Centralized Insolvency Office P. O. Box 7346 Philadelphia, PA 19101-7346	
HOLDERS OF EQUITY INTERESTS IN DEBTORS	
Sangreal Investments, LLC c/o Andy Geller, Western Peak Investment Advisors 3502 Sacred Moon Cove Austin, TX 78746	Independence Holdings I, LLC 3909 Balcones Dr Austin, TX 78731
SECURED CREDITORS	
Colorado Third Street, LLC Attn: Jason G. Cohen William A. Wood III Christopher L. Dodson 500 W 2nd Street, Suite 1900 Austin, Texas 78701	
TOP 20 UNSECURED CREDITORS	
Kone Elevators PO Box 894156 Los Angeles, CA 90189-4156	Facility Solutions Group, Inc. PO Box 896808 Charlotte, NC 28289-6508
KONE, Inc. 5101 E St. Elmo #315 Austin, TX 78744	ABC Home and Commercial Services 9475 E Highway 290 Austin, TX 78724-2303
Heads up Cleaning Services	Arnold & Placek, P.C.

PO Box 293 Lockhart, TX 78644	203 E. Main Street, Suite 201 Round Rock, TX 78664
Will's All Pro Plumbing and Air 7847 Fortune Drive San Antonio, TX 78250	LPZ Electric LLC 1533 N Interstate 35, Suite #6 Pflugerville, TX 78660
Clarke Kent Plumbing, Inc 1408 W. Ben White Blvd. Austin, TX 78704	Beckett Electrical Services, LLC PO Box 81381 Austin, TX 78708
Vanguard Fire Systems, LP 2340 Patterson Industrial Dr Pflugerville, TX 78660	The Lost Lei/DW Hospitality, LLC 2918 Bellamy Circle Cedar Park, TX 78613
Inoca Holdco II LLC FCS Fox Commercial Services, LLC PO Box 19047 Austin, TX 78760	JAC Entertainment, LLC 8114 B Baywood Austin, TX 78759